

The Honorable Paul B. Snyder  
Chapter 11  
Hearing Date: December 18, 2008  
Hearing Time: 9:00 a.m.  
Hearing Location: Tacoma, WA  
Response Date: December 11, 2008

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

In re

STEPHEN J. HUEFFED and  
AMY D. TURNBULL,

Debtors.

No. 08-46005-PBS

APPLICATION TO EMPLOY CROCKER  
KUNO PLLC AS DEBTORS' COUNSEL  
*NUNC PRO TUNC*

Stephen J. Hueffed and Amy D. Turnbull ("Mr. Hueffed and Ms. Turnbull") ("Debtors"), the debtors-in-possession, apply to the Court for an order approving the employment of Shelly Crocker and Crocker Kuno PLLC ("Crocker Kuno") as Chapter 11 counsel for Debtors *nunc pro tunc* to the filing date of November 14, 2008. Debtors make this application under § 327 of the United States Bankruptcy Code (the "Code"), and Fed. R. Bankr. P. 2014. In support of the application, Debtors state as follows:

1. Mr. Hueffed and Ms. Turnbull filed a Chapter 11 petition on November 14, 2008.
2. The Debtors are debtors-in-possession under 11 U.S.C. § 101 (51D).

1           3.       Debtors retained the law firm of Crocker Kuno in April 2008 to advise  
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4       them regarding the possibility of filing a Chapter 11 petition. Debtors now wish to  
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6       employ Shelly Crocker and Crocker Kuno for the execution of their Chapter 11 case.  
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8       Debtors have been informed that Shelly Crocker, the attorney at Crocker Kuno primarily  
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10      involved in this case, is admitted to practice before this Court and has read Local  
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12      Bankruptcy Rule 2016.  
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14           4.       The services to be performed by Crocker Kuno are necessary in order for  
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16      Debtors to perform their duties as debtors-in-possession. Subject to the control of, and  
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18      further order of the Court, Crocker Kuno will render the following services to Debtors:  
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21           a.       To take all actions necessary to protect and preserve Debtors'  
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23      bankruptcy estate, including the prosecution of actions on Debtors' behalf. To undertake,  
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25      in conjunction as appropriate with special litigation counsel, the defense of any action  
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27      commenced against Debtors, negotiations concerning litigation in which Debtors are  
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29      involved, objections to claims filed against Debtors in this bankruptcy case, and the  
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31      compromise or settlement of claims.  
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34           b.       To prepare the necessary applications, motions, memoranda,  
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36      responses, complaints, answers, orders, notices, reports and other papers required from  
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38      Debtors as debtors-in-possession in connection with administration of these cases.  
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41           c.       To negotiate with creditors concerning a Chapter 11 plan, to  
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43      prepare a Chapter 11 plan and disclosure statement and related documents, and to take  
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45      the steps necessary to confirm and implement a plan of reorganization.  
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1 d. To provide such other legal advice or services as may be required  
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3 in connection with this Chapter 11 case.  
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5 5. Debtors have selected Crocker Kuno for the following reasons:  
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7 a. The attorneys at Crocker Kuno have substantial experience and  
8 expertise in the field of debtors' and creditors' rights, insolvency law and bankruptcy.  
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10 b. Crocker Kuno has additional experience and expertise in matters  
11 involving finance, taxation, and commercial litigation. Crocker Kuno has the resources  
12 necessary for the quick and efficient prosecution of this case.  
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15 c. Debtors have confidence in Crocker Kuno and believe that Crocker  
16 Kuno is well qualified to represent them and their bankruptcy estate in this Chapter 11  
17 case.  
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19 6. In accordance with the engagement letters attached to the Declaration of  
20 Shelly Crocker, Debtors have agreed to compensate Crocker Kuno on the basis of its  
21 ordinary hourly rates, with additional reasonable fees to be paid on the basis of criteria set  
22 forth in the Washington Rules of Professional Conduct, including time spent, skill needed  
23 to perform legal services properly, preclusion of other employment, fees customarily  
24 charged, the amount involved and the results obtained, and the experience, reputation and  
25 ability of counsel.  
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27 7. Mr. Hueffed and Ms. Turnbull gave Crocker Kuno an initial security  
28 retainer of \$17,302.00, which includes the \$1,039 Chapter 11 filing fees. Five thousand  
29 dollars of the retainer was provided in April 2008 and the remaining \$12,302.00 was  
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1 provided just prior to filing. At the time of filing, the trust account has a balance of  
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3 \$1,079.00. The remaining retainer provided by Mr. Hueffed and Ms. Turnbull covers  
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5 both this Chapter 11 case and the Chapter 11 case of La Ferme de Metras, case number  
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7 08-46007.  
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10 8. The Debtors have agreed to pay an additional \$10,000 retainer from  
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12 business operations as soon as practicable and seek court authority to pay this retainer to  
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14 Crocker Kuno.  
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17 9. To the best of the Debtors' knowledge, the partners of Crocker Kuno do  
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19 not have any connection with Debtors, their creditors, any other party in interest, or  
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21 respective attorneys or accountants.  
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24 10. The Debtors request that Crocker Kuno's employment be *nunc pro tunc* to  
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26 November 14, 2008. This application was noted for hearing, at the first hearing date  
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28 available after the Debtors' filing on November 14, 2008, because of the request for the  
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30 Court's authority to pay a post-petition retainer. Crocker Kuno has provided a substantial  
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32 benefit to the estate by preparing necessary pleadings and aiding the Debtors in their  
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34 communications with the United States Trustee.  
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37 11. A proposed order is attached as Exhibit A.  
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1 WHEREFORE, for the reasons stated in this application, Debtors request that the  
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3 Court enter an order authorizing employment of the firm of Crocker Kuno PLLC to  
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5 represent Debtors in this Chapter 11 case *nunc pro tunc* to the filing date of  
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7 November 14, 2008, and authorizing the Debtors to pay an additional retainer of \$10,000  
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9 from business operations.  
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12 DATED this 25th day of November 2008.  
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15 /s/ Stephen J. Hueffed

16 Stephen J. Hueffed  
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19 /s/ Amy D. Turnbull

20 Amy D. Turnbull  
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